



REQUEST FOR PROPERTY LEASE PROPOSALS NUMBER GBA-900-07-33

The Georgia Building Authority (hereinafter Owner, Authority or GBA), which maintains and manages many functions of multiple State Government facilities in Atlanta, Georgia, will be receiving sealed proposals from firms or persons which are interested in leasing and occupying commercial building space in downtown Atlanta, Georgia, as further described herein.

This Request for Proposals (RFP) seeks to identify potential lessees of the Property described herein. Some firms which respond to this RFP, and who are determined by the Authority to be especially qualified, may be deemed eligible and may be invited to meet with the Authority for discussion of a prospective Lease Agreement. All respondents to this RFP are subject to instructions communicated in this document and additional terms and conditions listed in the Authority's Request for Proposals (RFP). GBA reserves the right to reject any or all proposals, and to waive technicalities and informalities at the discretion of GBA. **Restriction of Communication:** From the issue date of this RFP solicitation until a successful proposer is selected and the selection is announced, proposers shall only communicate, in writing, with the issuing officer listed herein, and are not allowed to communicate about this solicitation for any reason with any other employees of the Authority, State Properties Commission, or members of the Selection Committee, except for submission of questions as instructed in the RFP, or during the pre-proposal conference/site meeting (if applicable), or as provided by any existing work agreement(s). For violation of this provision, the Authority reserves the right to reject the proposal of the offending proposer.

Issuing Officer

Questions regarding this RFP must be submitted in writing to the issuing officer listed below:

Jim Hyde
Fax: 404-463-5699
Email: jhyde@gba.ga.gov

Premises

Address: 25 Peachtree Street, Atlanta, Georgia 30303 ("5-Points" area)

General Description of Space: 2 floors and a basement, encompassing 26,355 sq. ft.

Additional Information: The building is listed on the Historic Registry. A portion of the building is leased until September, 2007. **The Authority intends for lease of this property to result in an overall benefit to the Authority, the State of Georgia, and the community surrounding the property. It is the desire of the Authority for the lease to result in a general improvement of the property, and also to enhance the local neighborhood/community in manner that will promote additional enhancements to the community and property sustainability.** The suitability of proposals, in this regard, will be a part of the evaluation and award. (See *Proposal Evaluation Criteria* for more information)

General Lease Conditions*

1. No commission will be paid by Owner.
2. Lessee will be required to lease the entire building.
3. Any subleases must be approved by the Owner.
4. All external signage must be approved by the Owner.
5. Anchor tenant must be disclosed along with the proposed use of the building.
6. Financial stability of lessee and anchor tenant must be documented.
7. Existing roof signage will remain.
8. Term will be ten years with additional extensions negotiable.
9. Lease will be on “as is” basis.
10. Lessee/tenant will be responsible for all build-out.
11. Lessee/tenant will be responsible for restoring space in compliance with building codes.
12. Lessee/tenant will pay for all building systems including security systems.
13. Lessee/tenant will maintain building to acceptable standards.
14. Owner shall retain rights of periodic inspection of property.
15. The property shall be maintained at the expense of Lessee and at its sole risk.
Lessee shall indemnify Owner and hold it harmless from any claims, damages, or expenses (including reasonable attorney’s fees) arising out of Lessee’s use of the Property, the conduct of its business on the Property, or any other acts or omissions of Lessee, or its tenants, employees, agents, or contractors, relating to the subject property.

****Specific lease terms and conditions are described in a Specimen Lease Agreement, which will be provided at the mandatory initial site meeting.***

Meetings and Site Visits

Prior to formal submittal of a proposal, the Authority requires proposers to attend a **mandatory initial site meeting** to familiarize themselves with the subject property. The meeting is planned for **March 15, 2007**, and will convene at **9:00 A.M., at the Premises**, on the corner of Decatur Street and Edgewood Avenue.

The mandatory meeting will be held in the presence of State officials who are able to respond to questions regarding the present use and condition of the site and future use. A specimen Lease Agreement and other available information may be provided to interested parties at the initial site meeting.

Interested proposers may request up to three (3) additional site visits to further familiarize themselves with the premises. **IMPORTANT- ONLY AFTER ATTENDING THE MANDATORY MEETING**, additional site visits must be scheduled by written request and a contact shall be provided at the mandatory meeting. Additional site visits will be scheduled by the Authority at the discretion and at the convenience of the Authority, and **must be scheduled one full week (7 calendar days) in advance**. **DO NOT SEND REQUESTS BEFORE MANDATORY MEETING**. Windows for additional site visits are as follows:

Site Visit Window #1: The five (5) week days beginning Monday, March 19, 2007.

Site Visit Window #2: The five (5) week days beginning Monday, March 26, 2007.

Site Visit Window #3: The five (5) week days beginning Monday, April 2, 2007.

Proposal Requirements

One (1) original and five (5) copies of the Proposals shall be prepared, for a total of (6) sets. Each submittal shall be identical and include Proposal Form and transmittal letter. Submittals must be printed on standard (8 ½" x 11") paper. The pages of the qualification submittals must be numbered. A table of contents, with corresponding tabs, must be included to identify each section. Responses are limited to fifteen (15) double-sided pages or less using a minimum of an 11-point font. The transmittal letter will not count as part of the page limit. Any exhibits, affidavits, or other enclosure information called for may be included in an appendix and will not count toward the page limit. Such submittals shall be prepared with careful consideration to the limit. Each Proposal shall be prepared simply and economically, to provide a straightforward and concise description of respondent's offerings and capabilities exactly as requested. Fancy bindings and irrelevant promotional materials are not desired. Emphasis must be on completeness, relevance, and clarity of content. To expedite the review of submittals, it is essential that respondents follow the format and instructions outlined below. **The content of all Proposals must be categorized and numbered as outlined below, and responsive to all below requested information:**

1. Full information on the parties involved (prospective lessee/tenants), including company/person name, address, name of primary contact, telephone number, fax number, E-mail address, and company website (if available). For all parties provide form of ownership, including state of residency or incorporation, and number of years in business. Is the party an individual, sole proprietorship, partnership, corporation, Limited Liability Corporation (LLC), or other structure?
2. Provide any active litigation the proposing entity is involved in.
3. Provide references about the proposer/proposing firm. Include current contact information of the references.
4. Include financial references about the proposer/firm.
5. Provide a statement of disclosure, which will allow the Owner to evaluate possible conflicts of interest. Respondents must provide, in their own format, a statement of all potential legal or otherwise significant conflicts of interests possibly created by the respondent's being considered for award of lease. Respondents should provide information as to the nature of relationship(s) with parties in such potential conflict.
6. A comprehensive description of the proposed use of the facility.

7. Site plan sketch showing the proposed layout for the facility, and sketch of proposed location as seen from the streets and adjacent properties,
8. Proposed interior elevation sketch of proposed fixtures with appropriate details of existing structure.
9. Photographs (exterior and interior) of properties similar in function and build-out as proposed on subject property.
10. Provide a comprehensive response to address any areas of the Authority's "suitability" criteria (below) not already provided by response to 1-9, above.
11. Provide a completed and notarized **Proposal Form** (Attachment "A" of this Request for Proposal) The Proposal Form will not be included in the 15 page limit for proposals.

Proposal Evaluation Criteria

Following receipt by the Authority, a thorough review of all proposals will be made by an internal committee to determine if the required minimum information is included, and to completely evaluate the information submitted. Generally, the proposals from firms that are judged by the Authority's review committee to have substantially excelled with regard to the stated evaluation criteria, or have offered services or qualifications especially attractive for the purposes of the project, will be eligible for further consideration, possibly including negotiation commencement. **Criteria for evaluation of Proposals are as follows:**

20% Factor} Stability and responsibility of the firm or person submitting the proposal. Including (if applicable) the firm's corporate history, growth, resources, form of ownership, active litigation status, financial information, and other evidence of stability.

20% Factor} Proposer/Firm's past performance, including references about the proposing entity's leasing or general business history, and the demonstrated ability of proposer/firm in effective and desirable improvements of property comparable in complexity, size, and function of the subject property, for Owners such as the State of Georgia and other similarly-structured organizations. This includes qualifications data of the principal lessor and evidence of relevant competencies for use of this property as proposed.

20% Factor} Proposer/Firm's apparent suitability of proposed use of this property, including the proposer/firm's apparent fit and the corresponding proposal's apparent fit to the property type and/or needs of the Owner; any special or unique applications planned for the party which may be desirable to the Owner, current and projected property leased by the proposing entity and apparent sustainability; the proximity of office or local resources of the proposing entity to property location; proposal's apparent fit to the surrounding community of the property; The proposer/firm's stated position with regard and the areas of public safety and health, accessibility for persons with disabilities and special needs, and environmental concerns. The firm's completeness of overall response to RFP will be judged using this criteria category.

40% Factor}Overall proposed annual lease amount, as well as any other (if applicable), proposed incentives, prices or rates, anticipated cost savings, stated payment terms, discounts, and additional proposed payments. Any items proposed that might result in an impact to financial condition of the Owner will be a part of this evaluation.

SUBMITTAL OF PROPOSALS

One (1) original and five (5) copies, for a total of six (6) sets of responses, must be sealed in an opaque envelope or box. Reference to the **RFP No. GBA-900-07-33 and the words “Sealed Proposal”** must be clearly indicated on the outside of all of the envelopes or boxes. Proposals **must be physically received by the Owner by Thursday, April 12, 2007** at 2:00 P.M. at the exact address below:

**Georgia Building Authority Procurement Services
Second Floor, 270 Washington Street
Atlanta, Georgia 30334
Attn: Jim Hyde, GBA Contracts**

No submittals will be accepted after the time set for receipt. Statements of Qualifications submitted via facsimile or e-mail will be rejected. GBA reserves the right to reject any and all submittals.

TERMS AND CONDITIONS

Restriction of Communication

From the issue date of this RFP solicitation until a successful proposer is selected and the selection is announced, proposers are not allowed to communicate for any reason with any members of the Selection Committee, the Authority, or the State Properties Commission, except for submission of questions as instructed in the RFP, or during the proposer's conference/site meeting (if applicable), or as provided by any existing work agreement(s). For violation of this provision, the Authority reserves the right to reject the proposal of the offending proposer.

Submittal Costs and Confidentiality

All expenses for preparing and submitting responses are the sole cost of the party submitting the response. The Authority is not obligated to any party to reimburse such expenses. All submittals upon receipt become the property of the Authority. Labeling information provided in submittals “proprietary” or “confidential”, or any other designation of restricted use will not protect the information from public view. Subject to the provisions of the Open Records Act, the details of the proposal documents will remain confidential until final award.

Award Conditions

This request is not an offer to contract or a solicitation of bids. This request and any proposal submitted in response, regardless of whether the proposal is determined to be the best proposal, is not binding upon the Authority and does not obligate the Authority to procure or contract for any services. Neither the Authority nor any party submitting a response will be bound unless and until a written contract mutually accepted by both

parties is negotiated as to its terms and conditions and is signed by the Authority and a party containing such terms and conditions as are negotiated between those parties. The Authority reserves the right to waive non-compliance with any requirements of this Request for Proposal and to reject any or all proposals submitted in responses. Upon review of responses, the Authority will determine the party(s) and proposal that in the sole judgment of the Authority is in the best interest of the Authority (if any is so determined), with respect to the evaluation criteria stated herein. The Authority then intends to conduct negotiations with such party(s) to determine if an acceptable contract may be reached.

Reciprocal Preference Law

For the purposes of evaluation only, a proposer that resides in the State of Georgia will be granted the same preference over proposers that reside in another State in the same manner, on the same basis, and to the same extent that preference is granted in awarding bids for the same goods or services by such other State to proposers that reside therein. For the purposes of this law, the definition of a resident proposer is one who maintains a place of business with at least one employee inside the State of Georgia. A P.O. Box address will not satisfy this requirement.

Small and Minority Business Enterprise

It is the policy of the State of Georgia that small businesses, female-owned businesses and minority businesses have a fair and equal opportunity to participate in the State purchasing process. Therefore, the Authority encourages all small businesses, female-owned businesses and minority-owned businesses to compete for contracts, and encourages vendors to solicit female-owned businesses and minority-owned businesses in procuring subcontractors and suppliers. This desire on the part of the Authority is not intended to restrict or limit competitive bidding. The Authority supports a healthy free market system that seeks to include responsible businesses and provides ample opportunity for business growth and development. Vendors and vendor subcontractors who utilize qualified minority subcontractors may qualify for Georgia state income tax credits for qualified payments made to minority subcontractors. See Official Code of Georgia Annotated (O.C.G.A.) O.C.G.A. Section 48-7-38.

Statement of Agreement

With submission of a proposal, the Proposer agrees that he/she has carefully examined the Request for Proposal, and the Proposer agrees that it is the Proposer's responsibility to request clarification on any issues in any section of the Request for Proposal with which the Proposer disagrees or needs clarified. The Proposer also understands that failure to mention these items in the proposal will be interpreted to mean that the Proposer is in full agreement with the terms, conditions, specifications and requirements therein. With submission of a proposal, the Proposer hereby certifies: (a) that this proposal is genuine and is not made in the interest or on behalf of any undisclosed person, firm, or corporation; (b) that Proposer has not directly or indirectly included or solicited any other Proposer to put in a false or insincere proposal; (c) that Proposer has not solicited or induced any person, firm, or corporation to refrain from sending a proposal.

Attachment "A"
PROPOSAL FORM
(MUST BE SUBMITTED WITH SEALED PROPOSAL)

Date: _____.

Name of Proposer/Proposing Firm: _____.

Address: _____

Contact: _____

(Telephone)

(Fax)

(E-mail)

Georgia Building Authority Procurement Services
270 Washington Street, Second Floor
Atlanta, Georgia 30334

Re: Proposal #**GBA-900-07-33**

I. Having carefully examined the **Request for Property Lease Proposals Number 900-07-33** and the entire Request for Proposal of the Authority, and Addendum No. (s) _____ (if applicable) as well as the Premises and conditions affecting the Property, we propose to lease the Property for the annual sum of \$ _____ and to utilize the Property exactly as proposed herein.

II. We have enclosed, with this Proposal Form, all information requested by the Authority in the Request for Property Lease Proposals.

III. We agree to meet with appropriate staff of the Authority within ten (10) days of Notice of Apparent Award, for the purposes of possible implementation of an agreement, if such a meeting is requested by written order of the Authority.

IV. We agree that this proposal may not be revoked or withdrawn after the time set for deadline for receipt of proposals but shall remain open for acceptance for a period of ninety (90) days following such time.

V. In case we are notified by mail, telephone, or delivery of the apparent award based on this proposal within ninety (90) days after the time set for the deadline for receipt of proposals, we agree to endeavor to execute a lease (Agreement between Lessee and Authority), and to furnish and deliver to the Authority all required documents required to secure the Agreement.

VI. The PROPOSER submits the following requested information to the Authority.

Legal Name of Proposer: _____

Street Address: _____

When Organized: _____ Where Organized: _____

Number of years engaged in the business under the present firm name: _____.

The proposer has never refused to sign a contract as proposed. Correct _____ Incorrect _____

The proposer has never been declared in default on a contract. Correct _____ Incorrect _____

VII. The foregoing statement of qualifications is submitted under oath.

Under oath I certify that I am a principal or other representative of the firm of _____, and that I am authorized by it to execute the foregoing offer on its behalf. I am a principal person of the foregoing with management responsibilities for the foregoing subject matter and as such I am personally knowledgeable of all of its pertinent matters. We certify that this bid/proposal is made without prior understanding, agreement, or connection with any corporation, firm, or person submitting a bid/proposal for the same services, materials, labor, supplies, or equipment and is in all respects fair and without collusion or fraud. We understand collusive bidding is a violation of state and federal law and can result in fines, prison sentences, and civil damage awards. We agree to abide by all conditions of this bid/proposal. We certify that no person associated with our firm is an employee of, or affiliated with, the Authority or holds any statewide elective or appointed office. We further certify that no person who holds any state-wide elective or appointed office or who is affiliated with the Authority has been paid or promised by the firm any compensation in connection with this procurement by the Authority.

The full names and addresses of person and firms interested in the foregoing bid/proposal as principals are as follows:

_____.

_____.

BY: _____.

TITLE: _____.

Sworn to and subscribed before me this

_____ day of _____, 20____.

Notary Public

My Commission Expires _____